

Case No. 1:12-CV-758
Gwin, J.

in “unusual” circumstances.^{3/} Here, “fairness” does not require disclosure of the undisclosed survey questions and responses “to prevent a selective and misleading presentation of evidence to the disadvantage of the adversary.”^{4/} The non-disclosed questions are not directly related to the disclosed questions and the non-disclosure will not disadvantage Defendants.

Should Defendants want more information about class members’ employment, they can seek that information through other means. They may not, however, invade the attorney-client relationship or obtain attorney work product under the guise of Federal Rule of Evidence 502(a).

IT IS SO ORDERED.

Dated: May 15, 2014

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

^{3/} See [Cooey v. Strickland](#), 269 F.R.D. 643, 653-54 (S.D. Ohio 2010) (citing Federal Rule of Evidence 502 advisory committee note).

^{4/} *Id.*